IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 81 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RABARI GHAMARBHAI JEHTABHAI

Versus

STATE OF GUJARAT

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Appearance:

1. Criminal Appeal No. 81 of 1991

MR PK JANI for Petitioner No. 1-2

MR SS PATEL Ld. APP for Respondent No. 1

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CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 04/05/2002

ORAL JUDGEMENT

Heard learned counsel appearing for the appellants Mr. Unwala with Mr. PK Jani. It is submitted by Mr. Unwala that the parties have compounded the matter out of Court, and, therefore, the appellants are praying to permit them to tender compromise process

and to compound the matter in view of the provision of sub-section 8 of section 320 of CrPC. The compromise between the parties is accepted. Ld. Counsel for the injured persons and the complainant Mr. Shethna confirms the compromise arrived at between the parties and in lieu thereof he has also put his signature on the compromises pursis.

It is clarified by the ld. counsel appearing for the parties that this compromise was arrived at earlier in the year 1994, however, as this appeal was not listed for final hearing and no effective hearing has taken place, the same could not be tendered. The parties are very poor and it may create hardship, inconvenience and unnecessary costs if they are asked to appear before the Court in person. The say of Mr. Shethna representing the injured and the complainant, in this regard is accepted. Ld. APP Mr. SS Patel also has no objection if the court grants permission to compound the matter. Permission granted. The compromise is accepted and as the parties have compounded the offence, the appellants-accused are ordered to be acquitted from the charges levelled against them. Fine if paid, be refunded to the respective accused on proper identification. This appeal stands disposed of accordingly.

(C.K. BUCH, J.)
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